

Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 SS-15 SP-02 INR-10 L-03
OES-09 /060 R

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P 101858Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY BONN PRIORITY
AMEMBASSY LAGOS PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY NEW DELHI PRIORITY
AMEMBASSY TOKYO PRIORITY
AMEMBASSY WARSAW PRIORITY
INFO AMEMBASSY PARIS

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STADIS//////////

E.O. 11652: N/A

TAGS: EGEN, SENV

SUBJECT: HOST GOVERNMENT ATTITUDES ON EXPORT OF PRODUCTS
BANNED OR OTHERWISE RESTRICTED IN U.S.

REF: STATE 140849 (NOTAL), PARIS 18392 (NOTAL)

1. DEPARTMENT IS PARTICIPATING IN INTER-AGENCY STUDY OF
BROAD ISSUE OF EXPORT OF SUBSTANCES BANNED OR OTHERWISE
RESTRICTED IN U.S. BY FEDERAL REGULATORY ACTION. FOCUS OF
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STUDY IS PRODUCTS CONSTITUTING KNOWN OR POTENTIAL HAZARD TO
THE HEALTH, SAFETY OR ECO-SYSTEM OF U.S. OR FOREIGN CON-
SUMERS, BASED ON CONSUMER USAGE RATHER THAN WORKER OR WORK-
PLACE EXPOSURE. ALCOHOL, TOBACCO AND FIREARMS ARE EXCLUDED
FROM STUDY.

2. AMONG POLICY OPTIONS MENTIONED BY AGENCIES ARE:

-- USG-WIDE REQUIREMENT THAT AGENCIES TAKING HEALTH/SAFETY REGULATORY ACTIONS NOTIFY FOREIGN GOVERNMENTS OF RESTRICTION AND REASON THEREFOR;

-- NOTIFICATION PLUS LABEL ON PRODUCT WARNING THAT USE HAS BEEN RESTRICTED OR BANNED IN U.S.;

-- NOTIFICATION PLUS REQUIREMENT THAT FOREIGN GOVERNMENT

GRANT IMPORT APPROVAL BEFORE EXPORT FROM U.S. IS PERMITTED;

-- DISCRETIONARY AUTHORITY FOR REGULATORY AGENCIES TO CONTROL OR PROHIBIT EXPORT OF PRODUCTS UNDER THEIR JURISDICTION, PERHAPS REGARDLESS OF FOREIGN GOVERNMENT ATTITUDE.

3. WITH ABOVE AS BACKGROUND, POSTS ARE REQUESTED TO OBTAIN FROM APPROPRIATE HOST GOVERNMENT OFFICIAL(S) A READING ON GENERAL ATTITUDE TOWARD ISSUE. YOU MAY NOTE THAT PRELIMINARY STUDY WITHIN USG INDICATED THAT SUBJECT IS BOTH SENSITIVE AND COMPLEX. AMONG ASPECTS DESERVING CONSIDERATION ARE: PRODUCTS ARE SUBJECT TO WIDE RANGE OF USE, MISUSE AND ABUSE, THUS A PRODUCT DETERMINED TO BE HAZARDOUS IN THE U.S. MAY BE MORE OR LESS DANGEROUS IN USE ELSEWHERE. DIFFERING CULTURAL AND ECONOMIC CIRCUMSTANCES DICTATE DIFFERING NATIONAL PRIORITIES AND ASSESSMENTS OF RISK/BENEFIT RATIOS. SOME GOVERNMENTS MAY BE ABLE TO DEVOTE ONLY LIMITED OFFICIAL USE

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LIMITED RESOURCES TO TESTING OR MONITORING PRODUCTS. AND GOVERNMENTS MAY, SHOULD U.S. IMPOSE EXPORT BAN OR REQUIREMENT FOR PRIOR FOREIGN GOVERNMENTAL APPROVAL OF IMPORTS, TAKE EXCEPTION TO IMPLICIT U.S. "ENVIRONMENTAL PATERNALISM."

4. POST'S REPORTS ARE REQUESTED NOT LATER THAN JULY 14 TO MEET WORKING GROUP TIMETABLE.

END UNCLASSIFIED - BEGIN LIMITED OFFICIAL USE

5. FYI - DEPARTMENT HAS TAKEN POSITION THAT ANY NEW POLICY SHOULD REQUIRE AGENCIES TO NOTIFY FOREIGN GOVERNMENTS OF HEALTH/SAFETY REGULATORY ACTIONS, THROUGH STATE. WE BELIEVE THAT FURTHER CONTROL OF EXPORTS, OR FURTHER INJECTION OF CONSUMER HEALTH/SAFETY CONSIDERATIONS INTO SUCH AREAS AS USG FINANCING OF EXPORTS, IS NEITHER NECESSARY NOR DESIRABLE. INFORMED FOREIGN GOVERNMENTS ARE IN BEST POSITION TO PROTECT THEIR POPULATIONS. END LIMITED OFFICIAL USE. VANCE

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